

## **V. Summary of Proposed Changes to 42 CFR Part 71**

The foreign quarantine regulations are used to control and prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the United States. Sections of this regulation are used in the day-to-day activities of quarantine officers. The proposed rule reduces the number of subparts from six to two. Many of the new sections further clarify current activities. Proposed subpart B, Importations, contains the restrictions on importation of nonhuman primates, certain kinds of animals, etiological agents, hosts, and vectors, and dead bodies. CDC proposes to change only §71.55 in subpart B.

The following is a section-by-section analysis:

Subpart A – Definitions and General Provisions

### **Section 71.1 Scope and definitions.**

This section explains that 42 CFR Part 71 contains regulations to prevent the introduction, transmission, and spread of communicable diseases from foreign countries into the United States. This part also contains the regulations to prevent the spread of disease among possessions of the United States and from a possession into a State. The definitions contained in this part are comparable to those appearing in Part 70. The following definitions have been added or modified to be consistent with modern quarantine concepts and current medical principles and practice: “airline,” “airline agent,” “business day,” “bill of health,” “commander,” “deratting certificate,” “deratting exemption certificate,” “detention,” “Director,” “emergency contact information,” “flight information,” “hearing officer,” “ill person,” “infectious agent,” “International Health Regulations,” “medical monitoring,” “military services,”

“possession,” “provisional quarantine,” “quarantine,” “quarantinable disease,” “sanitary measures,” “State,” “ship,” “shipline,” “shipline’s agent,” and “United States.”

The definition of an ill person as it applies to this part was modified to be consistent to that which applies to Part 70.

In contrast with the requirement in Section 361(d)(1) (42 U.S.C. 264(d)(1)) of the PHS Act that the Director make findings under Part 70 that a person is (1) in a qualifying stage of a quarantinable disease and (2) is moving or about to move from a State to another State or who is a probable source of infection to persons so moving or about to move, there are no such requirements when a person is entering the United States from a foreign country or a possession of the United States.

**Section 71.2 Designation of yellow fever vaccination centers; Yellow fever or other validation stamps.**

This section contains provisions comparable to those contained in current §71.3.

According to Annex 7 of the WHO International Health Regulations, member states must designate yellow fever vaccination centers authorized to administer yellow fever vaccine. Licensed medical providers become certified as centers through issuance of a Uniform Stamp Number by a designated health authority. CDC, pursuant to current §71.3, delegated this authority to state and territorial health departments (SHDs). SHDs file duplicate listings of all certified vaccination centers with CDC. The authorization requirements and certification processes are determined by each SHD, and are not the same in every State.

Upon certification, the SHD sends a notice of the new certification to the vaccine manufacturer and to CDC. Upon receipt, CDC sends a letter to the new center,

confirming contact information and offering inclusion on CDC's secure web-based registry of certified vaccination centers. The web site is maintained by CDC and SHDs, and is updated upon notice of certification termination or changes in contact information. Several SHDs now file duplicated listings via the website.

### **Section 71.3 Vaccination clinics.**

This section contains provisions comparable to those contained in §70.9.

### **Section 71.4 Bills of Health.**

Section 366 of the PHS Act (42 U.S.C. 269) provides that, except as otherwise prescribed in regulations, any vessel at any foreign port or place clearing or departing for any port or place in a State or possession shall be required to obtain from the consular officer of the United States, Public Health Service officer, or other medical officer of the U.S., a bill of health setting forth the sanitary history of the vessel. Under existing §71.11, carriers at any foreign port clearing or departing for any U.S. port are not required to obtain or deliver a bill of health. Under proposed §71.4, the Director, to the extent permitted by law and in consultation with such other federal agencies as the Director may deem necessary, may require a carrier at any foreign port clearing or departing for any U.S. port to obtain a bill of health. While the Director does not intend to require a bill of health for carriers engaged in routine traffic, concern over bioterrorism and rapidly emerging infectious diseases makes inclusion of this important public health tool imperative.

### **Section 71.5 Suspension of entries and imports from designated places.**

This section implements statutory authority contained in section 362 of the PHS Act (42 U.S.C. 265). Under this authority, the Director, to the extent permitted by law and in consultation with such other federal agencies as the Director may deem necessary, may prohibit, in whole or in part, the introduction of persons and property from foreign countries or places whenever the Director determines that the risk of introduction of a disease into the United States is increased by the introduction of persons or property from such foreign countries or places. In carrying out this section, the Director, through order, would designate the persons and property from the foreign countries or places subject to the prohibition on introduction, as well as the period of time that such prohibition would remain in effect.

### **Section 71.6 Report of death or illness on board flights.**

This section contains provisions applicable to airlines operating flights on an international voyage, destined for a U.S. port, comparable to those established for airlines engaged in interstate traffic under §70.2.

### **Section 71.7 Written plan for reporting of deaths or illness on board flights and designation of an airline agent.**

This section contains provisions applicable to airlines operating flights on an international voyage, destined for a U.S. port, comparable to those established for airlines engaged in interstate traffic under §70.3

### **Section 71.8 Report of death or illness on board ships.**

Paragraph (a) of this section establishes requirements applicable to a shipline operating ships on an international voyage comparable to the requirements applicable to airlines in section 71.6. Ships operating between Canadian ports and ports on the Puget Sound or on the Great Lakes and connected waterways are not covered by this section.

Paragraphs (b)-(e) of this section require any shipline operating ships on an international voyage destined for a U.S. port to report to the quarantine station nearest the port of arrival any death or ill person as soon as made known to the ship's commander and, where possible, at least 24 hours before arrival. The shipline shall also report any deaths or ill persons onboard ships during the 15-day period prior to expected arrival, or since departure from a U.S. port (whichever period of time is shorter). Cases or suspected cases of communicable disease during an international voyage from one U.S. port to another are required to be reported to the quarantine station, and the ship must take measures to prevent spread of the disease as directed by the Director. Any death or ill person during a stay in port must be reported. The number of cases (including zero) of diarrhea, febrile respiratory disease, febrile rash illness, or febrile neurologic illness during an international voyage must be reported through a method designated in the shipline's written plan under §71.9.

Paragraph (f) enables the Director to order shiplines with ships on an international voyage destined for a U.S. port to disseminate to passengers and crew public health notices and other information deemed necessary to prevent the introduction, transmission, or spread of communicable diseases. This provision is comparable to that described for airlines on an international voyage in §71.6.

**Section 71.9 Written plan for reporting of deaths or illness on board ships and designation of a shipline's agent.**

This provision creates a requirement for shiplines with ships on an international voyage destined for a U.S. port comparable to that created for airlines on an international voyage in §71.7. Ships operating between Canadian ports and ports on the Puget Sound or on the Great Lakes and connected waterways are not covered by this section. CDC believes that a 90-day time frame for development of a written plan and an additional 90 days for implementation after the final publication of this rule to be appropriate because ships should already have such procedures in place. CDC is soliciting comment on whether this timeframe is appropriate. During the phase-in period established by new §71.7, ships are still expected to comply with the reporting requirements contained in current 71.21(a) and (c) (Radio report of death or illness) and 71.35 (Report of death or illness on carrier during stay in port).

**Section 71.10 Passenger information.**

This section contains provisions comparable to those contained in §70.4, except that this section is also applicable to ships on an international voyage. Ships operating between Canadian ports and ports on the Puget Sound or on the Great Lakes and connected waterways are not covered by this section.

**Section 71.11 Written plan for passenger information and designation of an airline or shipline agent.**

This section contains provisions comparable to those contained in §70.5, except that this section is also applicable to shiplines operating ships on an international voyage destined for a U.S. port. Ships operating between Canadian ports and ports on the Puget Sound or on the Great Lakes and connected waterways are not covered by this section.

**Section 71.12 Inspections.**

This section consolidates provisions contained in current 42 CFR Part 71.

**Section 71.13 Sanitary measures.**

This section contains provisions comparable to those contained in §70.11.

**Section 71.14 Detention of carriers.**

This section contains provisions comparable to those contained in §70.12 and current §71.31(b).

**Section 71.15 Carriers of U.S. military services.**

This section carries over provisions contained in current §71.34.

**Section 71.16 Screenings to detect ill persons.**

This section contains procedures comparable to those contained in §70.13 at U.S. ports.

**Section 71.17 Provisional quarantine of arriving persons.**

This section contains procedures comparable to those contained in §70.14.

**Section 71.18 Provisional quarantine orders.**

This section contains procedures comparable to those in §70.15.

**Section 71.19 Quarantine.**

This section contains procedures comparable to those in §70.16.

**Section 71.20 Content of quarantine order.**

This section contains procedures comparable to those in §70.17.

**Section 71.21 Service of quarantine order.**

This section contains procedures comparable to those in §70.18.

**§71.22 Medical examination and monitoring.**

This section contains provisions comparable to those contained in §70.19.

**Section 71.23 Hearings.**

This section contains procedures comparable to those in §70.20.

**Section 71.24 Care and treatment of arriving persons.**

This section contains provisions comparable to those contained in §70.21.

**Section 71.25 Arriving foreign nationals.**

This section contains provisions comparable to those contained in §70.22. In general, U.S. government requirements regarding the detention of foreign nationals may be accessed at: [http://travel.state.gov/law/consular/consular\\_636.html](http://travel.state.gov/law/consular/consular_636.html).

**Section 71.26 Administrative record.**

This section contains procedures comparable to those in § 70.23.

**Section 71.27 Food, potable water, and waste: U.S. seaports and airports.**

This section carries over provisions contained in current §71.45.

**Section 71.28 Health documents in international traffic.**

This section carries over provisions contained in current §71.46.

**Section 71.29 Special provisions relating to airports: Office, examination, and quarantine facilities.**

Under 8 CFR 234.4, in order to be designated an "international airport," an airport must fulfill requirements established by the Secretaries of Commerce, Transportation, Health and Human Services, and Homeland Security. The list of airports designated as "international airports" may be found at 19 CFR 122.13. The proposed section carries over existing authority requiring each U.S. airport which receives international traffic to provide, without cost to the Government, suitable office, isolation, and other exclusive space for carrying out the federal responsibilities under this part. The proposed section



also adds a new provision requiring U.S. airports receiving international traffic to provide suitable quarantine space. The specifications for space requirements to carry out quarantine activities are incorporated into the Federal Inspection Service manual. In carrying out this provision, CDC intends to collaborate closely with the U.S. Department of Homeland Security.

**Section 71.30 Establishment of institutions, hospitals and stations.**

This section contains provisions comparable to those in §70.10.

**Section 71.31 Penalties.**

The penalties listed in this section are the same as those listed in §70.29.

**Section 71.32 Implementation through order.**

This section contains measures comparable to those in §70.30.

**Section 71.33 Appeals of actions required pursuant to 71.13 or 71.14.**

A new 71.33 would allow a written appeal to the Director within 2 business days in the event that the Director orders the export or destruction of animals, articles, or things, pursuant to 71.13 or the detention of a carrier pursuant to 71.14. The Director may nevertheless immediately implement the actions provided in 71.13 and 71.14.

Subpart B -- Importations

**Section 71.51 Dogs and cats.**

This section remains unchanged. The text has been set out for the convenience of the reader, however, CDC does not invite comments on this section.

**Section 71.52 Turtles, tortoises, and terrapins.**

This section remains unchanged. The text has been set out for the convenience of the reader, however, CDC does not invite comments on this section.

**Section 71.53 Nonhuman primates.**

This section remains unchanged. The text has been set out for the convenience of the reader, however, CDC does not invite comments on this section.

**Section 71.54 Etiological agents, hosts, and vectors.**

This section remains unchanged. The text has been set out for the convenience of the reader, however, CDC does not invite comments on this section.

**Section 71.55 Dead bodies.**

Embalming is no longer an option for avoiding a permit when importing dead bodies. Additionally, the Director can impose additional conditions.

**Section 71.56 African rodents and other animals that may carry the monkeypox virus**

This section remains unchanged. The text has been set out for the convenience of the reader, however, CDC does not invite comments on this section.

Following is a summary of changes to the current regulations:

Sections cancelled:

71.3 Designation of yellow fever vaccination centers: Validation stamps

71.21 Radio report of death or illness

71.27 Issuance of Deratting Certificates and Deratting Exemption Certificates

71.33 Persons: isolation and surveillance

71.35 Report of death or illness on carrier during stay in port

71.41 General provisions

71.42 Disinsection of imports

71.43 Exemption for mails

71.44 Disinsection of aircraft

71.48 Carriers in intercoastal and interstate traffic

Sections modified:

71.1 Scope and definitions

71.4 Bills of health

71.29 Special provisions relating to airports: Office, examination, and quarantine facilities

71.31 Penalties

71.55 Dead bodies

Sections redesignated:

71.14 Carriers of U.S. military services

71.26 Food, potable water, and waste: U.S. seaports and airports

Sections added:

71.2 Designation of yellow fever vaccination centers; Yellow fever or other validation stamps

71.3 Vaccination clinics

71.5 Suspension of entries and imports from designated places

71.6 Report of death or illness on board flights

71.7 Written plan for reporting of deaths or illness on board flights and designation of an airline agent

71.8 Report of death or illness on board ships

71.9 Written plan for reporting of deaths or illness on board ships and designation of a shipline agent

71.10 Passenger information

71.11 Written plan for passenger information and designation of an airline or shipline agent

71.12 Inspections

71.13 Sanitary measures

71.14 Detention of carriers

71.16 Screenings to detect ill persons

71.17 Provisional quarantine of arriving persons

71.18 Provisional quarantine orders

71.19 Quarantine

71.20 Content of quarantine order

71.21 Service of quarantine order

71.22 Medical examination and monitoring

71.23 Hearings

71.24 Care and treatment of arriving persons

71.25 Arriving foreign nationals

71.26 Administrative record

71.28 Health documents in international traffic

71.30 Establishment of institutions, hospitals and stations

71.32 Implementation through order

71.33 Appeals of actions required pursuant to 71.13 or 71.14

**Table V-1. Sections Updated and/or Recodified in 42 CFR 71**

<b>Current Regulation</b>	<b>Proposed Regulation</b>
<b>Subpart A – Definitions and General Provisions</b>	<b>A. Subpart A – General Provisions</b>
71.1 Scope and definitions	71.1 Scope and definitions

71.2 Penalties	71.2 (modified) Designation of yellow fever vaccination centers; yellow fever or other validation stamps
71.3 Designation of yellow fever vaccination centers; Validation stamps	71.3 (new) Vaccination clinics
	71.4 Bills of health 71.5 (new) Suspension of entries and imports from designated places 71.6 (new) Report of death or illness on board flights 71.7 (new) Written plan for reporting of deaths or illness on board flights and designation of an airline agent
<b>Subpart B – Measures at Foreign Ports</b>	
71.11 Bills of Health	71.8 (new) Report of death or illness on board ships 71.9 (new) Written plan for reporting of deaths or illness on board ships and designation of a shipline’s agent
<b>Subpart C – Notice of Communicable Disease Prior to Arrival</b>	
71.21 Radio report of death or illness	71.10 (new) Passenger information 71.11 (new) Written plan for passenger information and designation of an airline or shipline agent
<b>Subpart D – Health Measures at U.S. Ports: Communicable Diseases</b>	
	71.12 (new) Inspections
71.31 General provisions	71.13 (new) Sanitary measures
71.32 Persons, carriers, and things	71.14 (new) Detention of carriers
71.33 Persons: isolation and surveillance	71.15 (modified) Carriers of U.S. military services
71.34 Carriers of U.S. military services	71.16 (new) Screenings to detect ill persons
71.35 Report of death or illness on carrier during stay in port	71.17 (new) Provisional quarantine of arriving persons
	71.18 (new) Provisional quarantine orders
<b>Subpart E – Requirements Upon Arrival at U.S. Ports: Sanitary Inspections</b>	
	71.19 (new) Quarantine

	71.20 (new) Content of quarantine order
	71.21 (new) Service of quarantine order
	71.22 (new) Medical examination and monitoring
	71.23 (new) Hearings
71.41 General provisions	71.24 (new) Care and treatment of arriving persons 71.25 (new) Arriving foreign nationals
71.42 Disinsection of imports.	71.26 (new) Administrative record
71.43 Exemption for mails	71.27 Food, potable water, and waste: U.S. seaports and airports
71.44 Disinsection of aircraft	71.28 (new) Health documents in international traffic
71.45 Food, potable water, and waste: U.S. seaports and airports	71.29 (modified) Special provisions relating to airports: Office, examination, and quarantine facilities 71.30 (new) Establishment of institutions, hospitals and stations
71.46 Issuance of deratting certificates and deratting exemption certificates	71.31 (new) Penalties
71.47 Special provisions relating to airports: Office and isolation facilities	71.32 (new) Implementation through order
71.48 Carriers in intercoastal and interstate traffic	71.33 (new) Appeals of actions required pursuant to 71.13 or 71.14
<b>Subpart F – Importations</b>	<b>Subpart B – Importations</b>
71.51 Dogs and cats	71.51 Dogs and cats
71.52 Turtles, tortoises, and terrapins	71.52 Turtles, tortoises, and terrapins
71.53 Nonhuman primates	71.53 Nonhuman primates
71.54 Etiological agents, hosts, and vectors	71.54 Etiological agents, hosts, and vectors
71.55 Dead bodies	71.55 (modified) Dead bodies
71.56 African rodents and other animals that may carry monkey pox virus	71.56 African rodents and other animals that may carry monkey pox virus